

1991.11.01-3

November 1, 1991

R. Brian Dixon, Esq.
Littler, Mendelson, Fastiff & Tichy
650 California Street, 20th Floor
San Francisco, CA 94108-2693

Re: Hours of Work of Truck Drivers

Dear Mr. Dixon:

In response to your letter of March 1st, please be advised that you have accurately described the enforcement policy of the Division in regard to the overtime requirements for drivers. As you state, with respect to a driver who spends part of the day doing work which is not subject to regulation by the California Highway Patrol, and part of the day doing work which is of a type such that the hours of work are regulated by the California Highway Patrol, the hours worked in the performance of duties regulated by Title 13, C.C.R., are simply not counted toward the overtime liability of the employer.

However, I should point out that any work in any one day which is unregulated by Title 13 of the Code of Regulations which exceeds eight must be paid for at the applicable premium wage. Additionally, any such hours in excess of forty in one week must, likewise, be compensated at the appropriate premium rate.

I am taking the opportunity to attach an addendum to Interpretive Bulletin 87-5 issued January 18, 1991, which updates that Bulletin to conform to current law.

Thank you for your interest in California Labor Law.

Yours truly,

H. THOMAS CADELL, JR.
Chief Counsel

c.c. James Curry